

House File 802

H-1207

1 Amend House File 802 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. **25A.1 Race and sex stereotyping**  
5 **— training prohibited by state and local governments.**

6 1. For purposes of this section, unless the context  
7 otherwise requires:

8 *a. "Agency" or "state agency" means the same as defined in*  
9 *section 8A.101.*

10 *b. "Divisive concepts" means the same as defined in section*  
11 *261H.7, subsection 1.*

12 *c. "Governmental entity" means any unit of government in*  
13 *the executive, legislative, or judicial branch of government;*  
14 *an agency or political subdivision; any unit of another state*  
15 *government, including its political subdivisions; or any*  
16 *association or other organization whose membership consists*  
17 *primarily of one or more of any of the foregoing.*

18 *d. "Governmental subdivision" means a county or city or*  
19 *combination thereof.*

20 *e. "Race or sex scapegoating" means the same as defined in*  
21 *section 261H.7, subsection 1.*

22 *f. "Race or sex stereotyping" means the same as defined in*  
23 *section 261H.7, subsection 1.*

24 2. Each agency, governmental entity, or governmental  
25 subdivision may continue training that fosters a workplace  
26 and learning environment that is respectful of all employees.  
27 However, the head of an agency, governmental entity, or  
28 governmental subdivision shall ensure that any mandatory staff  
29 training provided by an employee of an agency, governmental  
30 entity, or governmental subdivision, or by a contractor hired  
31 by the agency, governmental entity, or governmental subdivision  
32 does not teach, advocate, act upon, or promote divisive  
33 concepts. This section shall not be construed as preventing  
34 an employee or contractor who provides mandatory training from  
35 responding to questions regarding divisive concepts raised by

1 participants in the training.

2     3. Each agency, governmental entity, or governmental  
3 subdivision shall prohibit its employees from discriminating  
4 against other employees by color, race, ethnicity, sex,  
5 gender, or any other characteristic protected under the federal  
6 Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and  
7 applicable state law.

8     4. This section shall not be construed to do any of the  
9 following:

10     a. Prevent an agency, governmental entity, or governmental  
11 subdivision from promoting racial, cultural, ethnic, or  
12 intellectual diversity or inclusiveness, provided such efforts  
13 are consistent with the provisions of this section.

14     b. Create any right or benefit, substantive or procedural,  
15 enforceable at law or in equity by any party against the state  
16 of Iowa, its departments, agencies, or entities, its officers,  
17 employees, or agents, or any other person.

18     c. Prohibit a state or federal court or agency of  
19 competent jurisdiction from ordering a training or remedial  
20 action containing discussions of divisive concepts as a  
21 remedial action due to a finding of discrimination, including  
22 discrimination based on race or sex.

23     Sec. 2. NEW SECTION. 261H.7 Race and sex stereotyping —  
24 training by institution prohibited.

25     1. For purposes of this section, unless the context  
26 otherwise requires:

27     a. "*Divisive concepts*" includes all of the following:

28         (1) That one race or sex is inherently superior to another  
29 race or sex.

30         (2) That the United States of America and the state of Iowa  
31 are fundamentally or systemically racist or sexist.

32         (3) That an individual, by virtue of the individual's race  
33 or sex, is inherently racist, sexist, or oppressive, whether  
34 consciously or unconsciously.

35         (4) That an individual should be discriminated against

1 or receive adverse treatment solely or partly because of the  
2 individual's race or sex.

3 (5) That members of one race or sex cannot and should not  
4 attempt to treat others without respect to race or sex.

5 (6) That an individual's moral character is necessarily  
6 determined by the individual's race or sex.

7 (7) That an individual, by virtue of the individual's race  
8 or sex, bears responsibility for actions committed in the past  
9 by other members of the same race or sex.

10 (8) That any individual should feel discomfort, guilt,  
11 anguish, or any other form of psychological distress on account  
12 of that individual's race or sex.

13 (9) That meritocracy or traits such as a hard work ethic  
14 are racist or sexist, or were created by a particular race to  
15 oppress another race.

16 (10) Any other form of race or sex scapegoating or any other  
17 form of race or sex stereotyping.

18 *b. "Race or sex scapegoating"* means assigning fault, blame,  
19 or bias to a race or sex, or to members of a race or sex  
20 because of their race or sex, or claiming that, consciously or  
21 unconsciously, and by virtue of persons' race or sex, members  
22 of any race are inherently racist or are inherently inclined to  
23 oppress others, or that members of a sex are inherently sexist  
24 or inclined to oppress others.

25 *c. "Race or sex stereotyping"* means ascribing character  
26 traits, values, moral and ethical codes, privileges, status,  
27 or beliefs to a race or sex, or to an individual because of the  
28 individual's race or sex.

29 2. Each public institution of higher education may continue  
30 training that fosters a workplace and learning environment that  
31 is respectful of all employees and students. However, the  
32 president, vice presidents, deans, department directors, or any  
33 other administrator of a public institution of higher education  
34 shall ensure that any mandatory staff or student training  
35 provided by an employee of the institution or by a contractor

1 hired by the institution does not teach, advocate, act upon,  
2 or promote divisive concepts. This subsection shall not be  
3 construed as preventing an employee or contractor who provides  
4 mandatory training from responding to questions regarding  
5 divisive concepts raised by participants in the training.

6 3. Institution diversity and inclusion efforts shall  
7 discourage students of a public institution of higher education  
8 from discriminating against another by color, race, ethnicity,  
9 sex, gender, political ideology, or any other characteristic  
10 protected under the federal Civil Rights Act of 1964, Pub. L.  
11 No. 88-352, as amended, and applicable state law. Each public  
12 institution of higher education shall prohibit its employees  
13 from discriminating against students or employees by color,  
14 race, ethnicity, sex, gender, political ideology, or any other  
15 characteristic protected under the federal Civil Rights Act of  
16 1964, Pub. L. No. 88-352, as amended, and applicable state law.

17 4. This section shall not be construed to do any of the  
18 following:

19 a. Inhibit or violate the first amendment rights of students  
20 or faculty, or undermine a public institution of higher  
21 education's duty to protect to the fullest degree intellectual  
22 freedom and free expression. The intellectual vitality of  
23 students and faculty shall not be infringed under this section.

24 b. Prevent a public institution of higher education  
25 from promoting racial, cultural, ethnic, intellectual, or  
26 academic diversity or inclusiveness, provided such efforts are  
27 consistent with the provisions of this section, chapter 216,  
28 and other applicable law.

29 c. Prohibit discussing divisive concepts as part of a larger  
30 course of academic instruction.

31 d. Create any right or benefit, substantive or procedural,  
32 enforceable at law or in equity by any party against the state  
33 of Iowa, its departments, agencies, or entities, its officers,  
34 employees, or agents, or any other person.

35 e. Prohibit a state or federal court or agency of

1 competent jurisdiction from ordering a training or remedial  
2 action containing discussions of divisive concepts as a  
3 remedial action due to a finding of discrimination, including  
4 discrimination based on race or sex.

5     **Sec. 3. NEW SECTION. 279.74 Race and sex stereotyping —**  
6 **training and curriculum prohibited.**

7     1. For purposes of this section, unless the context  
8 otherwise requires:

9       *a. "Divisive concepts"* means the same as defined in section  
10 261H.7.

11       *b. "Race or sex scapegoating"* means the same as defined in  
12 section 261H.7.

13       *c. "Race or sex stereotyping"* means the same as defined in  
14 section 261H.7.

15     2. Each school district may continue training that fosters  
16 a workplace and learning environment that is respectful of  
17 all employees and students. However, the superintendent of  
18 each school district shall ensure that any curriculum or  
19 mandatory staff or student training provided by an employee  
20 of the school district or by a contractor hired by the school  
21 district does not teach, advocate, act upon, or promote  
22 divisive concepts. This subsection shall not be construed as  
23 preventing an employee or contractor who teaches any curriculum  
24 or who provides mandatory training from responding to questions  
25 regarding divisive concepts raised by participants in the  
26 training.

27     3. School district diversity and inclusion efforts shall  
28 discourage students of the school district from discriminating  
29 against another by color, race, ethnicity, sex, gender,  
30 political ideology, or any other characteristic protected under  
31 the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as  
32 amended, and applicable state law. Each school district shall  
33 prohibit its employees from discriminating against students or  
34 employees by color, race, ethnicity, sex, gender, or any other  
35 characteristic protected under the federal Civil Rights Act of

1 1964, Pub. L. No. 88-352, as amended, and applicable state law.

2 4. This section shall not be construed to do any of the  
3 following:

4 a. Inhibit or violate the first amendment rights of students  
5 or faculty, or undermine a school district's duty to protect to  
6 the fullest degree intellectual freedom and free expression.  
7 The intellectual vitality of students and faculty shall not be  
8 infringed under this section.

9 b. Prevent a school district from promoting racial,  
10 cultural, ethnic, intellectual, or academic diversity or  
11 inclusiveness, provided such efforts are consistent with the  
12 provisions of this section, chapter 216, and other applicable  
13 law.

14 c. Prohibit discussing divisive concepts as part of a larger  
15 course of academic instruction.

16 d. Create any right or benefit, substantive or procedural,  
17 enforceable at law or in equity by any party against the state  
18 of Iowa, its departments, agencies, or entities, its officers,  
19 employees, or agents, or any other person.

20 e. Prohibit a state or federal court or agency of  
21 competent jurisdiction from ordering a training or remedial  
22 action containing discussions of divisive concepts as a  
23 remedial action due to a finding of discrimination, including  
24 discrimination based on race or sex.

25 Sec. 4. Section 280.22, subsections 4 and 5, Code 2021, are  
26 amended to read as follows:

27 4. Each board of directors of a public school shall adopt  
28 rules in the form of a written publications code, which shall  
29 include reasonable provisions for the time, place, and manner  
30 of conducting such activities within its jurisdiction. The  
31 code shall incorporate all of the provisions of this section.  
32 The board shall make the code available to the students and  
33 their parents.

34 5. Student editors of official school publications shall  
35 assign and edit the news, editorial, and feature content of

1 their publications subject to the limitations of [this section](#).  
2 Journalism advisers of students producing official school  
3 publications shall supervise the production of the student  
4 staff, in order to maintain professional standards of English  
5 and journalism, and to comply with [this section](#).

6 Sec. 5. Section 280.22, Code 2021, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 6A. A public school employee or official,  
9 acting within the scope of the person's professional ethics,  
10 if any, shall not be dismissed, suspended, disciplined,  
11 reassigned, transferred, subject to termination or nonrenewal  
12 of a teaching contract issued under section 279.13 or an  
13 extracurricular contract issued under section 279.19A, or  
14 otherwise retaliated against for acting to protect a student  
15 for engaging in conduct authorized under this section, or  
16 refusing to infringe upon student conduct that is protected by  
17 this section, the first amendment to the Constitution of the  
18 United States, or Article I, section 7, of the Constitution of  
19 the State of Iowa.

20 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,  
21 shall not apply to this Act.>

22 2. Title page, line 2, after <by,> by inserting  
23 <governmental agencies and entities,>

24 3. Title page, line 3, by striking <districts> and inserting  
25 <districts,>

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HOLT of Crawford